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30 COMCAST OF CALIFORNIA/COLORADO/WASHINGTON I, INC.

31 **IN THE UNITED STATES DISTRICT COURT  
32 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

33 MATTHEW JOHNSON, On Behalf Of Himself  
34 And All Others Similarly Situated,

35 CIVIL ACTION NO. 3:10-CV-04147 JSW

36 Plaintiff,

37 **JOINT STATUS UPDATE OF RELATED  
38 STATE COURT LITIGATION**

39 COMCAST OF CALIFORNIA/  
40 COLORADO/WASHINGTON I, INC.

41 Defendant.

42 Courtroom: 11 – 19<sup>th</sup> Floor  
43 Judge: Jeffrey S. White

1 Pursuant to this Court's January 6, 2011 Order granting Defendant Comcast of  
 2 California/Colorado/Washington I, Inc.'s ("Comcast" or "Defendant") Motion to Stay, Plaintiff  
 3 Matthew Johnson ("Plaintiff") and Comcast hereby submit the following Joint Status Update Regarding  
 4 the Related State Court Litigation, which is based upon the representations of Defendant regarding the  
 5 state court proceedings.

6 **STATUS OF STATE COURT LITIGATION**

7 The matter of *Fayerweather v. Comcast Corporation and Comcast of Contra Costa, Inc.*  
 8 is still currently pending in the Superior Court of California in and for Contra Costa County as  
 9 Case No. C-08-01470. The opt-out period for the class ended on June 27, 2011. At the last case  
 10 management conference on November 17, 2011, the *Fayerweather* Court issued an order to  
 11 show cause why decertification should not be granted (the "Order to Show Cause"). The  
 12 briefing schedule on the Order to Show Cause was triggered by the April 12, 2012 publication of  
 13 the California Supreme Court's opinion in the seminal case, *Brinker Restaurant Corp. v.*  
 14 *Superior Court*. The parties completed briefing on the Order to Show Cause as of September 17,  
 15 2012. On December 17, 2012, the *Fayerweather* Court issued an order decertifying the class. A  
 16 copy of the Court's decertification order is attached hereto as Exhibit A. As the case was  
 17 decertified, Plaintiff Gabriel Fayerweather is now only pursuing his claims individually against  
 18 Comcast.

19 On February 8, 2013, Plaintiff Gabriel Fayerweather filed a Notice of Appeal in Contra  
 20 Costa Superior Court, appealing the decertification order. No appellate briefing schedule has  
 21 been set.

22 Dated: February 14, 2013

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23 \_\_\_\_\_  
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14 Attorneys for Plaintiff, Matthew Johnson

15  
16 Dated: February 14, 2013

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1                   **ATTESTATION PURSUANT TO LOCAL RULE**  
2

3       I, Jennifer M. Martinez, am the ECF User whose identification and password are being  
4       used to file the Joint Status Update of Related State Court Litigation. In compliance with local  
rule, I hereby attest that each of the signatories above has concurred in this filing.  
5

6       Dated: February 14, 2013

7                   WILSON SONSINI GOODRICH & ROSATI  
8                   Professional Corporation

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